

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In re HYPODERMIC PRODUCTS
ANTITRUST LITIGATION,

ORDER

This Document Relates To:

Louisiana Wholesale Drug Co., Inc. v. Becton Dickinson & Co., Civil Action No.: 05-CV-1602; *Dik Drug Co. v. Becton Dickinson & Co.*, Civil Action No.: 05-CV-4465, *American Sales Co., Inc. v. Becton Dickinson & Co.*, Civil Action No.: 06-CV-1204, *Park Surgical Co. Inc. v. Becton Dickinson & Co.*, Civil Action No.: 06-CV-1205, and *SAJ Distributors, Inc. v. Becton Dickinson & Co.*, Civil Action No.: 05-CV-5891.

Civil Action No.: 05-1602 (JLL)

MDL No. 1730

Currently before this Court are: (1) a Motion for Partial Summary Judgment on Direct Purchaser Standing Under Section 4 of the Clayton Act filed by the Healthcare Provider Plaintiffs¹; (2) a Motion of the Direct Purchaser Plaintiffs that the Court Make Particular Findings Relating to Direct Purchaser Standing, or, Alternatively, for Partial Summary Judgment filed by the Direct Purchaser Plaintiffs² (collectively referred to as the “Distributor Plaintiffs”); (3) a Motion for Certification of the Proposed Direct Purchaser Class, Preliminary Approval of Proposed Settlement, Approval of the Form and Manner of Notice to the Class, and Setting of

¹ MedStar Health Inc., MedStar-Georgetown Medical Center, Inc., National Rehabilitation Hospital, Inc., and Washington Hospital Center Corporation.

² Louisiana Wholesale Drug Company, Inc. (05-1602), Rochester Drug Co-Operative, Inc. (05-1602), JM Smith Corporation (05-1602), Dik Drug Company (05-4465), SAJ Distributors, Inc. (05-5891), American Sales Co., Inc. (06-1204), and Park Surgical Co., Inc. (06-1205).

Final Settlement Schedule and Hearing filed by the Distributor Plaintiffs; (4) a Motion for Preliminary Approval of the Settlement With the Direct Purchaser Plaintiffs filed by Defendant Becton Dickinson & Company, Inc. (“Becton”); and (5) a Motion in Limine filed by the Healthcare Provider Plaintiffs. For the reasons set forth in this Court’s corresponding Opinion, which has been filed separately under seal,

It is on this 30th day of September, 2010,

ORDERED that the Healthcare Provider Plaintiffs’ Motion for Partial Summary Judgment (CM/ECF No. 350) is GRANTED; and it is further

ORDERED that the Distributor Plaintiffs’ Motion for Partial Summary Judgment (CM/ECF No. 341) is DENIED; and it is further

ORDERED that the Distributor Plaintiffs’ Motion for Certification (CM/ECF No. 335) is DENIED; and it is further

ORDERED that Becton’s Motion for Preliminary Approval of Proposed Settlement (CM/ECF No. 336) is DENIED; and it is further

ORDERED that the Healthcare Provider Plaintiffs’ Motion in Limine (CM/ECF No. 358) is DENIED; and it is further

ORDERED that the Opinion will be unsealed in thirty (30) days from the date of this order if a motion to seal the Opinion has not been filed by that date. If a motion to seal is filed, a proposed redacted version should be included with the motion.

/s/ Jose L. Linares
United States District Judge